

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 128/2022
[2023] NZSC 51

BETWEEN DERMOT GREGORY NOTTINGHAM,
 PHILLIP RAYMOND NOTTINGHAM
 AND ROBERT EARLE MCKINNEY
 Applicants

AND REAL ESTATE AGENTS AUTHORITY
 First Respondent

 MARTIN RUSSELL HONEY
 Second Respondent

Court: Winkelmann CJ, O'Regan and Kós JJ

Counsel: Applicants in person
 S S McMullan and M Djurich for First Respondent
 D W Grove for Second Respondent

Judgment: 11 May 2023

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicants must pay costs of \$1,250 to each of the respondents.**
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REASONS

[1] The applicants apply for leave to appeal against a decision of the Court of Appeal.¹ In that judgment, the Court of Appeal dismissed the applicants' appeal to that Court. The Court also allowed the cross-appeal of the second respondent,

¹ *Nottingham v Real Estate Agents Authority* [2022] NZCA 488 (Simon France, Ellis and Dunningham JJ).

Mr Honey, set aside the decision of the High Court under appeal reinstating the applicants' appeals in the Real Estate Agents Tribunal and reinstated the Tribunal's decision striking out the applicants' appeals to the Tribunal.²

[2] The applicants' appeal to the Court of Appeal was brought under s 120 of the Real Estate Agents Act 2008. Section 120(3) provides: "[t]he decision of the Court of Appeal on any appeal under this section is final".

[3] This Court's jurisdiction to hear and determine appeals in civil proceedings in the Court of Appeal is governed by s 68 of the Senior Courts Act 2016. Section 68 provides:

68 Appeals against decisions of Court of Appeal in civil proceedings

The Supreme Court may hear and determine an appeal by a party to a civil proceeding in the Court of Appeal against a decision made in the proceeding, unless—

- (a) an enactment other than this Act makes provision to the effect that there is no right of appeal against the decision; or

...

[4] Section 120(3) of the Real Estate Agents Act is a provision to the effect that there is no right of appeal against a decision of the Court of Appeal made under s 120. Accordingly, this Court does not have jurisdiction to hear and determine an appeal against the decision of the Court of Appeal in the present case.

[5] The application for leave to appeal is dismissed for want of jurisdiction.

[6] The applicants must pay costs of \$1,250 to each of the respondents.

Solicitors:
Meredith Connell, Auckland for First Respondent
Foy & Halse, Auckland for Second Respondent

² *Nottingham v Real Estate Agents Authority* [2020] NZHC 1561 (Wylie J).